IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

Bail Appl..No. 5773 of 2007()

O.R.NO.1 OF 2007 OF FOREST RANGE OFFICE, AYYAPPANKOVIL

: PETITIONER/ACCUSED

SATHEESAN, S/O.KUMARAN,
PALAMOOTTIL, RAJAKKAD,
IDUKKI DISTRICT.

BY ADV. SRI.S.RAJEEV

RESPONDENTS: STATE

STATE OF KERALA,
REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM (O.R.NO.1 OF 2007
OF FOREST RANGE OFFICE, AYYAPPANKOVIL).

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.5773 of 2007

Dated this the 4th day of October, 2007

ORDER

Application for anticipatory bail. The petitioner apprehends arrest as an accused in O.R.1 of 2007 of Forest Range Office, Ayyappan Kovil. Five accused persons were allegedly apprehended on receipt of discreet prior information that they were transacting leopard skins in the house of the 1st accused. Four leopard skins were seized and 5 accused persons were taken into custody. Investigation proceeded. It was revealed that the 1st accused had wanted to purchase leopard skins. He had contacted the 2nd accused, who is the son of the 1st accused. The 2nd accused contacted his father, the 1st accused. He in turn contacted the 4th accused. The 4th accused contacted the petitioner herein, whose name, it is now revealed, is Satheesan @ Muthu. He promised to make the leopard skins available. Accordingly he had brought the same for the transaction. It was thus that the leopard skins were seized from the house of the 1st accused. The petitioner is later arrayed as the 6th accused.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent and totally false allegations are being raised against him. The 4th accused, who is distantly related to the

petitioner is at loggerheads with the petitioner and on the basis of his alleged statement, the petitioner is being vexed and harassed now, submits the learned counsel for the petitioner.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that not only the 4th accused, we have the statements of the other accused also to show that the petitioner himself had made leopard skins available at the house of the 1st accused.

4. In the nature of contentions raised, the learned Public Prosecutor was requested to place the case diary before me for my perusal. I have gone through the same. It is not necessary at this early stage to advert to facts in any greater detail in this order. Suffice it to say that I have gone through the confession statements of the 1st and 4th accused. There are materials connecting the petitioner with the crime. The petitioner's application for anticipatory bail cannot, in these circumstances, be considered favourably. I agree with the learned Public Prosecutor that there are no features in this case which would justify or warrant the invocation of the extraordinary equitable discretion under Section 438 Cr.P.C. It is for the petitioner to appear before the Investigating Officer or the learned Magistrate and then seek regular bail in the ordinary course.

5. This application is, in these circumstances, dismissed, but I may hasten to observe that if the petitioner surrenders before the Investigating Officer or the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously.

(R.BASANT, JUDGE)

rtr/-